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(By order of the Lieutenant-Governor)

G. RAGESH CHANDRA,
Special Secretary to Government.

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Rt. No. 163/AIL/Lab./J/2010, dated 27th July 2010)

NOTIFICATION

Whereas, the Award in I.D. No. 14/2009, dated 8-4-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Shasun Chemicals and Drugs Limited, Periyakalapet, Puducherry and 1. M/s. Shasun Workers Union, 2. M/s. Shasun Staff Union, 3. M/s. Shasun Employees Union, 4. M/s. Puduvai Shasun Desiya Thozhilalar Nala Sangam, 5. M/s. Anna Thozhilalar Sangam Peravai and M/s. Puducherry Shasun Chemicals and Drugs Niruvan Thozhilalargal Thozhir Sangam, over non-payment of production incentive on the basis of over and above 400 tons of production has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

**BEFORE THE LABOUR COURT (II ADDITIONAL
DISTRICT JUDGE) AT PONDICHERY**

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Pondicherry.

Thursday, the 8th day of April 2010.

I.D. No. 14/2009.

1. M/s. Shasun Workers Union,
 2. M/s. Shasun Staff Union,
 3. M/s. Shasun Employees Union,
 4. M/s. Puduvai Shasun Desiya,
Thozhilalar Nala Sangam.
 5. M/s. Anna Thozhilalar Sangam Peravai,
 6. M/s. Puducherry Shasun Chemicals
and Drugs Niruvan Thozhilalargal
Thozhir Sangam
- .. Petitioners.

Versus

The Managing Director,
M/s. Shasun Chemicals and Drugs
Limited, Periyakalapet, Puducherry

.. Respondent.

This industrial dispute coming on this day for hearing before me, the petitioners and their counsel called absent, Thiruvallargal K. Babu and C. Arivajagane, Advocates for the respondent and after perusing the case records, this court passed the following:

ORDER

This industrial dispute has been referred to this court by the Government of Pondicherry, *vide* G.O. Rt. No. 94/AIL/Lab./J/2008, dated 30-6-2009 of the Labour Department, Pondicherry to resolve the following disputes:

- (a) Whether the dispute raised by the unions *viz.*,
1. Shasun Workers Union, 2. Shasun Staff Union,
3. Shasun Employees Union, 4. Puduvai Shasun
Desiya Thozhilalar Nala Sangam, 5. Anna Thozhir
Sangam Peravai and 6. Puducherry Shasun Chemicals
and Drugs Niruvan Thozhilalargal Thozhir Sangam
against the management of M/s. Shasun Chemicals
and Drugs Limited, Puducherry, over non-payment of
production incentive on the basis of over and above
400 tons of production is justified or not?

(b) If justified, to what relief, the worker is entitled to?

(c) To compute the relief, if any awarded in terms of money, if it can be so computed?

2. The industrial dispute was taken on file on 6-7-2009. Form F for the respondent was filed on 7-8-2009 and the case was posted to 5-10-2009 for filing of claim statement. Thereafter, the case was adjourned for about 12 (twelve) hearings on the following dates: 22-10-2009, 26-11-2009, 10-12-2009, 17-12-2009, 7-1-2010, 21-1-2010, for appearance of the petitioner and on 4-2-2010, 25-2-2010, 4-3-2010, 18-3-2010, 25-3-2010 and 8-4-2010 for filing of claim statement and appearance of the petitioner or for dismissal. Unfortunately the petitioners are labourers, who claim to have been victimised by the respondent company, but the petitioners show no interest in proceeding with the case and have not appeared before court till now. On the other hand he has exceeded the time limit stipulated under the Industrial Disputes Act. The industrial dispute is pending for 9 months (nine months) from 6-7-2009 to 8-4-2010. Despite sufficient opportunities given, the petitioners did not choose to appear before court. This shows that the petitioners would have got employment in some other company and hence have lost interest in the matter. Further, the Industrial Disputes Act, requires that a dispute should be resolved within 6 months (six months). Hence this court finds that there is no point in having the case pending on file and the industrial dispute is liable to be dismissed.

3. In the result, the industrial dispute is dismissed.

Typed to my dictation, corrected and pronounced by me in the open court on this the 8th day of April 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 164/AIL/Lab./J/2010, dated 27th July 2010)

NOTIFICATION

Whereas, the Award in I.D. No. 23/2005 (L), dated 26-3-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Pondicherry Co-operative Sugar Mills, Lingareddipalayam, Puducherry and the Pondicherry Co-operative Sugar Mills Staff Welfare Union, Puducherry, over fixation of seniority of 5 persons has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Pondicherry.

Friday, the 26th day of March 2010.

I.D. No. 23/2005 (L)

The Secretary,
Pondicherry Co-operative
Sugar Mills Staff Welfare Union,
Pondicherry Co-operative Sugar
Mills Campus, Lingareddipalayam,
Pondicherry. . . Petitioner.

Versus

The Managing Director,
Pondicherry Co-operative Sugar
Mills, Lingareddipalayam,
Puducherry. . . Respondent.

This petition coming before me for final hearing on 18-3-2010 in the presence of Thiru S. Mukundan, Advocate for the petitioner-union. Thiru A.N.D. Law Associates K. Palaniappan and R. Asvani Palaniappan, Advocates for the respondent, upon hearing both sides, after perusing the case records and having stood over for consideration till this day. this court delivered the following:

AWARD

This industrial dispute arises out of the reference made by the Government of Pondicherry, *vide* G.O. Rt. No. 102/2005/Lab./AIL/J. dated 13-7-2005 of the Labour Department, Pondicherry, to resolve the following disputes, *viz.*,

(1) Whether the demand of the Pondicherry Co-operative Sugar Mills Staff Welfare Union claiming the seniority of Thiruvalargal

V. Ramachandran, S/o. Venkatesan, Assistant Storekeeper, M. Mahalingam, S. Balabaskaran, V. Thiruvengadam and J. Krishnaraj, Senior Clerks, over and above the seniority of Thiru V. Ramachandran, Shift Time-keeper (Seasonal), is justified or not? If so, to give appropriate directions:

(2) To what relief, the workers are entitled to?

2. The petitioners have filed claim statement contending that the respondent management *vide* Office Order No. PCSM/5-311/94/2804, dated 3-10-1994, issued final seniority list fixing the seniority of Thiru V. Ramachandran, Shift Time-keeper, over and above Thiruvalargal V. Ramachandran, S/o. Venkatesan, Assistant Storekeeper, M. Mahalingam, S. Balabaskaran, V. Thiruvengadam and J. Krishnaraj, Senior Clerks. The persons in the above dispute were promoted to Clerical Grade-III (Regular) from various lower posts in the grade of Junior Clerks and equivalent, which are the feeder posts to the post of Clerical Grade-III consisting of Senior Clerk, Assistant Storekeeper and Shift Time-keeper. The petitioner union has given the following table mentioning the date of initial appointment and date of appointment in Clerical Grade-III post.

Name	Date of initial appointment	Date of appointment as Clerical Grade-III (Regular)	Remarks
(1)	(2)	(3)	(4)
V. Ramachandran Assistant Store-keeper.	1-1-1981	29-7-1985	Appointed as Assistant Storekeeper (Regular).
M. Mahalingam	13-3-1985	18-11-1986	Promoted from Junior Clerk.
S. Balabaskaran	13-3-1985 (Regular Scale).	18-11-1986	Promoted from Junior Clerk.
V. Thiruvengadam	17-9-1985 (Regular Scale).	18-11-1986	Promoted from Junior Clerk.
J. Krishnaraj	15-2-1985	18-11-1986	Promoted from Junior Clerk.
V. Ramachandran Shift Time-keeper (Seasonal).	11-1-1984	12-1-1987	11-1-1984 to 10-1-1985 Daily rated

(1) (2) (3) (4)

Shift Time-keeper (Seasonal).
11-1-1985 to 11-1-1987
Consolidated Pay Shift Time-keeper (Seasonal).
12-1-1987
Shift Time-keeper (Regular).

It is averred that though V. Ramachandran, Assistant Storekeeper, M. Mahalingam, S. Balabaskaran, V. Thiruvengadam and J. Krishnaraj were promoted to Clerical Grade-III on regular basis much prior to the appointment of Thiru V. Ramachandran, Shift Time-keeper, the respondent management contrary to the accepted principles governing seniority, has taken into consideration the non-regular service rendered by V. Ramachandran, Shift Time-keeper, on daily wages with effect from 11-1-1984 and on consolidated pay with effect from 11-1-1985 and has ranked V. Ramachandran, Shift Time-keeper, as the senior most in Clerical Grade-III, which has given rise to this industrial dispute.

3. It is further averred that even in the order No. PCSM/5-147/87/327, dated 24-1-1987 appointing V. Ramachandran, Shift Time-keeper, to Clerical Grade-III, his pay has been fixed at a minimum of the time scale of Rs. 348-496 with effect from 12-1-1987 and as such the date of appointment to Clerical Grade-III should be taken as 12-1-1987 and under no stretch of imagination, his seniority can be fixed above Thiruvalargal V. Ramachandran, S/o. Venkatesan, Assistant Storekeeper, M. Mahalingam, S. Balabaskaran, V. Thiruvengadam and J. Krishnaraj, Senior Clerks. The appointment of V. Ramachandran, Shift Time-keeper, from 11-1-1985 to 12-1-1987 was only seasonal and non-regular and therefore, the said period should not be counted for seniority. Before the Labour Officer (Conciliation), the respondent management relied upon the general principles of seniority contained in the Government of India, Ministry of Home Affairs, O.M. No. 9/11/55/RPS, dated 22-12-1959 as incorporated in the Swamy's Compilation of Seniority and Promotion and also the decision of the Supreme Court in Clause-II Direct Recruits Engineering Officers Case (AIR 1990 SC 1607). It is further submitted that neither the Ministry's O.M nor the above decision of the Apex Court lays down any

proposition that non-regular service (not *ad hoc* service) should be counted for the purposes of seniority. It is averred that the seniority fixed by the management *vide* Memorandum, dated 3-10-1994, is patently illegal and hence they have prayed to pass an award holding the demand of the petitioner-union is justified and consequently to redo the seniority by removing Thiru V. Ramachandran, Shift Time-keeper from Serial No. 1 and fix his seniority next to J. Krishnaraj, Senior Clerk.

4. In the counter statement filed by the respondent, it is contended that when the petitioner-union challenges the seniority of V. Ramachandran, Shift Time-keeper, they ought to have impleaded him as a necessary party to the dispute and the reference made by the Government is bad in law. It is further contended that the said V. Ramachandran, Shift Time-keeper, was selected for the post of Shift Time-keeper (Seasonal) by the Recruitment Committee of the mills on 11-1-1984 against the existing vacancy on daily rated basis and from 1-1-1985 till 11-1-1987, he was given consolidated pay and from 12-1-1987 he was given the pay scale of Rs. 348-6-378-EB-7-469-9-496 and his pay was fixed at Rs. 348. It is further contended that the said Mahalingam, was appointed as trainee Clerk in the 13th position in the merit list by the Selection Committee and his appointment was regularised in the post of Junior Clerk in Clerical Grade-IV with effect from 13-3-1985 and he was subsequently promoted to Clerical Grade-III with effect from 18-11-1986. Similarly, the said S. Balabaskaran, V. Thiruvengadam and J. Krishnaraj were also promoted from Clerical Grade-IV to Clerical Grade-III with effect from 18-11-1986, while the said V. Ramachandran, S/o.Venkatesan, Assistant Storekeeper was posted to Clerical Grade-III with effect from 29-7-1985. It is further contended that the tentative seniority list in Clerical Grade-III was published on 31-7-1992 and after considering the objections of the aforesaid persons the final seniority list was published on 3-10-1994. As per the tentative and the final seniority list V. Ramachandran, Shift Time-keeper, stands in the 1st position in Clerical Grade-III. It is contended that the demand of the petitioner-union is stale, time barred, legally unsustainable and totally unjustified. It is further contended that the said V. Ramachandran, Shift Time-keeper, has now been promoted as Head Time-keeper and another V. Ramachandran, Assistant Storekeeper, has been promoted to the post of Godown Keeper and while preparing the seniority list the order of seniority was fixed on the basis of merits of the individual candidate as decided by the Recruitment Committee at the time of initial appointment. Hence, they have prayed for the dismissal of the reference.

5. Now the point for determination is:

“Whether the claim of the petitioner-union seeking fixation of seniority of Thiru V. Ramachandran, Shift Time-keeper, below the seniority of Thiru J. Krishnaraj is justified?”

6. On the side of petitioner Ex.P1 to Ex.P9 and on the side of respondents Ex.R1 and R2 are marked. Both sides dispensed with oral evidence.

On point:

7. A perusal of the records goes to show that though the petitioner-union would claim that the seniority of Thiru V. Ramachandran, Shift Time-keeper, is below that of Thiruvallal V. Ramachandran, S/o.Venkatesan, Assistant Storekeeper, M. Mahalingam, S. Balabaskaran, V. Thiruvengadam and J. Krishnaraj, Senior Clerks, the said V. Ramachandran, Shift Time-keeper, has not been added as a party to the proceedings before this court. The petitioners have not taken any steps to issue notice or summons to the said Ramachandran, Shift Time-keeper, calling for his objections or explanations in this regard. Further, it is seen from the records that persons prior to their appointment in the regular post of Junior Clerk have been appointed as Clerks on daily rated basis and consolidated basis. Such appointments on daily rated basis have been done through Recruitment Committee, constituted by the mill. Both sides have not produced the relevant rules governing regularisation of services. However, the fact remains that subsequent promotions to staff have been given by the respondent mill only on the basis of the recommendations of the Departmental Promotions Committee. Further it is seen that the tentative seniority list has been issued under Ex.R1 wherein, objections from individuals have been called for fixation of seniority. The petitioner-union have not produced any copy of the objections, if any given by the persons in serial Nos. 2 to 6 in the tentative seniority list, so as to enable this court to appreciate that there was really an objection from the affected persons. The documents produced as Ex.P1 to Ex.P9 are merely appointment orders with which the facts cannot be brought out. It is also admitted that both persons with the same name V. Ramachandran have also been subsequently promoted as Head Time-keeper and Godown Keeper at the same time. In as much as the Head Time-keeper, Thiru V. Ramachandran had not been added as a party to the proceedings, this court finds that there is no discrepancy in fixation of seniority as per the available records and consequently the demand of the petitioner-union is not justified.

This point is answered accordingly.

8. In the result, the industrial dispute is dismissed by answering that the demand of the petitioner-union is not justified.

Typed to my dictation, corrected and pronounced by me in the open court on this the 26th day of March 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

List of witnesses examined for petitioner :

P.W.1 — 3-4-2006 S. Murugaiyan.

List of witnesses examined for respondent :

R.W.1 — 17-12-2009 Soundarajan.

List of exhibits marked for the petitioner :

Ex.P1 — 4-3-2010 Office order, dated 12-2-1983.

Ex.P2 — 4-3-2010 Memorandum, dated 5-6-1985.

Ex.P3 — 4-3-2010 Office order, dated 7-8-1985.

Ex.P4 — 4-3-2010 Office order, dated 24-6-1985.

Ex.P5 — 4-3-2010 Proceedings of the Recruitment Committee, dated 11-1-1984.

Ex.P6 — 4-3-2010 Office order, dated 2-7-1985.

Ex.P7 — 4-3-2010 Office order, dated 24-11-1986.

Ex.P8 — 4-3-2010 Memorandum, dated 18-11-1986.

Ex.P9 — 4-3-2010 Memorandum, dated 2-5-2007.

Ex.P10 — 4-3-2010 Appointment order, dated 11-1-1984.

Ex.P11 — 4-3-2010 Failure report, dated 12-3-1996.

List of exhibits marked for the respondent :

Ex.R1 — 25-2-2010 Tentative seniority list, dated 30-7-1992.

Ex.R2 — 25-2-2010 Final seniority list, dated 3-10-1994.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G O. Rt. No. 165/AIL/Lab./J/2010, dated 27th July 2010)

NOTIFICATION

Whereas, the Award in I.D. No.3/2006, dated 16-3-2010 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Premier Distilleries Private Limited, Puducherry and Tmt. E. Rajeswari and 26 others over their non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PONDICHERRY

Present : Thiru E.M.K.S. SIDDHARTHAR, M.A., B.L.,
Presiding Officer-cum-
II Additional District Judge,
Labour Court,
Pondicherry.

Tuesday, the 16th day of March 2010.

I.D. No. 3/2006

1. E. Rajeswari
2. P. Jothi
3. A. Kalivani
4. K. Suganthi
5. R. Meenatchi
6. S. Brindavathi
7. P. Bharathi
8. M. Bhakriyammal
9. K. Nagavalli
10. S. Thillairatham
11. S. Senganniammal
12. D. Mangaiyarkarasi
13. L. Rajalakshmi
14. K. Vijaya
15. S. Vennila
16. G. Abirami
17. A. Vijayagandhi
18. G. Arulselvi
19. K. Sarala
20. P. Muthu
21. K. Indira
22. A. Jothilakshmi
23. K. Anbarasi

24. R. Navamani
 25. M. Thulasiammal
 26. P. Gomathy
 27. K. Tamilselvi . . . Petitioners.

Versus

The Managing Director,
 Premier Distilleries Private Limited,
 R.S. No.62/8, Madukarai Road,
 Mangalam, Pondicherry. . . Respondent.

This case coming on 11-3-2010 for final hearing before me in the presence of Thiru R.S. Zivanandam, counsel for the petitioners, Thiru R. Ilanchelian and S. Sakthi Priya, Advocates for the respondent, upon hearing both sides, on perusing the records and having stood over till this day for consideration, this court passed the following:—

ORDER

This industrial dispute has been referred to as per the G.O. Rt. No. 9/2006/Lab./AIL/J, dated 31-1-2006 for adjudicating the following:—

1. Whether the non-employment of 27 workers of M/s. Premier Distilleries Private Limited, Pondicherry, 1. E. Rajeswari, 2. P. Jothi, 3. A. Kalivani, 4. K. Suganthi, 5. R. Meenatchi, 6. S. Brindavathi, 7. P. Bharathi, 8. M. Bhakriyammal, 9. K. Nagavalli, 10. S. Thillairatham, 11. S. Senganniammal, 12. D. Mangaiyarkarasi, 13. L. Rajalakshmi, 14. K. Vijaya, 15. S. Vennila, 16. G. Abirami, 17. A. Vijayagandhi, 18. G. Arulselvi, 19. K. Sarala, 20. P. Muthu, 21. K. Indira, 22. A. Jothilakshmi, 23. K. Anbarasi, 24. R. Navamani, 25. M. Thulasiammal, 26. P. Gomathy, 27. K. Tamilselvi is justified or not?

2. If not, to what relief, they are entitled to?

3. To compute the relief, if any, awarded in terms of money, if it can be so computed.

2. The facts of the industrial dispute in brief is as follows:—

The petitioners were employed with the respondent for more than four years with low paid wages and without any normal working hours or other statutory benefits. The petitioners along with other workers had formed a union in the name and style of 'Premier Distilleries Workers Union and applied for registration under the guidance of AITUC Central Union and the same was intimated to the respondent management. The respondent had threatened the petitioners to quit their trade union activities. In spite of the serious threats by the respondent, the petitioners and

other workers had hoisted their union flag and opened their union name-board in front of the factory on 16-9-2004. Then the petitioners' services were terminated without stating any reason upon oral instruction by the Factory Manager of the respondent management.

Therefore, the petitioners approached the Labour Officer (Conciliation) *vide* their application, dated 28-10-2004 for reinstatement with back wages. The respondent replied before the Labour Officer that the names of the petitioners are not borne in their muster roll and hence in no way connected to the respondent. The respondent had failed to produce any record before the Labour Officer to substantiate their statement. The conciliation proceedings were ended in failure. Hence, this petition.

3. *Per contra*, traversing the averments in the claim statement, the respondent filed the counter with the following averments:—

As on 1-10-2004 the respondent was having about 72 workers, out of which 34 workers were on regular basis and rest of them were engaged as casual workers. The engagement of casual workers by the respondent was not continuous and their engagement was purely intermittent and on need based. However the petitioners stopped their operations on 1-10-2004 without any prior intimation or notice and when the matter was enquired, they claimed that those who were engaged by the respondent as casual workers are to be given continuous work, failing which they would discontinue their operations. Subsequently some outsiders in the guise of trade union, took possession to give internal and external disturbances. They indulged in acts of manhandling the executives and damaged the properties of the respondent. Hence, an order was obtained from Additional Sub-Judge, Pondicherry restraining the petitioners from doing such unlawful acts.

The petitioners also could not prove that they were workers of the respondent or the alleged union is having any representative capacity. The respondent was having 34 regular workers in its factory and rest of them were only casual workers. The petitioners being casual workers, they neither have any legal right to seek regular work nor permanency in employment. Hence, they pray for dismissal of the petition.

4. During enquiry, on the side of the petitioner, Ex.P1 to Ex.P6 were marked. On the side of the respondent, Ex.R1 to Ex.R3 were marked.

5. *The point for consideration is:*

Whether the dismissal of the petitioners is justified or not?

6. *On this point :*

This reference has been made by the Government to decide whether the non-employment of the petitioners by the respondent management is justified or not? On appearance of petitioner and the management, they filed their respective claim statements as well as the counter.

7. On hearing both sides and on perusing the records, it reveals that the petitioners have been dismissed by the respondent without holding any domestic enquiry.

8. On the side of the respondent, it is contended that the principle of natural justice or enquiry will be applicable only for termination or non-employment for misconduct and engagement or non-engagement of a casual worker is within the legal right of the respondent and such engagement will be made only on need based. Further it is always the burden lies on the petitioner that they were regular workers and for casual labourers, the question of termination or reinstatement does not arise. But to prove his said contention, neither oral nor documentary evidence was adduced on the side of the respondent.

9. The petitioners have stated that they were employed with the respondent company for over a period of four years. The respondent has not denied the said fact. But the respondent has stated that the petitioners have stopped their operations on 1-10-2004 without any prior intimation and notice and they indulged in acts of manhandling the executives and damaged the properties of the respondent. But there is no police complaint filed by the respondent against the petitioners for the alleged damage of the properties. Further there are no photos produced on the side of the respondent to prove the alleged damages. This itself would prove that this is a concocted story only for the purpose of this case in order to take vengeance against the petitioner workmen. Further, there is no allegation about the misconduct against the petitioners prior to the alleged incident.

10. Further as admitted by both parties, there was no domestic enquiry conducted to prove that the petitioners have damaged the properties of the respondent company. When the petitioners were working in the respondent company for more than four years without any interruption, it was necessary

to have given opportunity to the petitioners by holding a domestic enquiry to prove their innocence. Neither no such opportunity was given to the petitioners, nor principles of natural justice have been complied with. Therefore, the termination of service of the petitioners was bad.

11. The respondent had stated that they are in the process of manufacturing IMFL goods and other miscellaneous operations with the engagement of 72 workers. The management alleged that out of them, 34 are regular workers and the rest are engaged as casual workers, whose nature of engagement is intermittent and need based. Hence, the petitioners cannot claim reinstatement as a matter of right.

12. In such circumstances, the question that arises for consideration is whether the petitioners were regularly engaged by the respondent. On the contention of the respondent, the onus rests on the respondent to prove their statement. It is pertinent to note that the respondent had not only failed to produce the muster roll or attendance and the pay register as sought by the petitioner in I.A. No. 16/2010, but had not taken any pain to produce any documentary evidence in support of their contention. As held by the Hon'ble Supreme Court in 2006 Lab. 1C (NOC) Page 171, when the employer had failed to produce any documentary evidence, the remedy available to the workers is reinstatement. In this case though this court allowed the petition in I.A. No. 16/2010, the respondent has failed to produce the pay register for the period from 2001 to 2004 and the muster roll or attendance register for the said period. Therefore, when there is no valid ground stated by the respondent to justify the removal of the petitioners from service, this court finds that the removal of the petitioners from service of the respondent company is unjustified. Accordingly, this point is answered.

13. In the result, the industrial dispute is allowed and the respondent/management is ordered to reinstate the petitioners namely, 1. E. Rajeswari, 2. P. Jothi, 3. A. Kalivani, 4. K. Suganthi, 5. R. Meenatchi, 6. S. Brindavathi, 7. P. Bharathi, 8. M. Bhakriyammal, 9. K. Nagavalli, 10. S. Thillairatham, 11. S. Senganniammal, 12. D. Mangaiyarkarasi, 13. L. Rajalakshmi, 14. K. Vijaya, 15. S. Vennila, 16. G. Abirami, 17. A. Vijayagandhi, 18. G. Arulselvi, 19. K. Sarala, 20. P. Muthu, 21. K. Indira, 22. A. Jothilakshmi, 23. K. Anbarasi, 24. R. Navamani, 25. M. Thulasiammal, 26. P. Gomathy, 27. K. Tamilselvi with all consequential benefits as per rules. However, there is no order as to costs.

Dictated to the stenographer, transcribed and typed by her, corrected and pronounced by me in the open court on this the 16th day of March 2010.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

List of witnesses marked on the side of the petitioners : Nil.

List of documents marked by the petitioners :

- Ex.P1— Copy of the letter, dated 28-10-2004 sent by the petitioners' union.
- Ex.P2— Letter, dated 24-11-2004 sent by the respondent to Conciliation Officer.
- Ex.P3— Copy of the letter, dated 26-11-2004 sent by the petitioners' union.
- Ex.P4— Copy of the letter, dated 16-12-2009 sent by the petitioners' union.
- Ex.P5— Copy of the letter sent by the petitioners.
- Ex.P6— Copy of the letter, dated 24-10-2005 sent to Secretary to Government.

List of witnesses examined on the side of the respondent : Nil.

List of documents marked by the respondent :

- Ex.R1— Newspaper publication, dated 6-12-2004.
- Ex.R2— Show cause notice issued to V. Rambabu, dated 26-11-2004.
- Ex.R3— Reply given by Rameshbau, dated 26-11-2004.

E.M.K.S. SIDDHARTHAR,
II Additional District Judge,
Presiding Officer,
Labour Court, Pondicherry.

GOVERNMENT OF PUDUCHERRY

HOME DEPARTMENT

(G. O. Ms. No. 32, dated 26th July 2010)

NOTIFICATION

In exercise of the powers conferred under rule 5 of the Puducherry Private Security Agencies (Regulation) Rules, 2009 approval is hereby accorded for prescription of Training Syllabus for Security Guards / Supervisors/Ex-servicemen/Formal Police Personnel and others as detailed in the Annexure to this order.

(By order)

L. KUMAR,
Joint Secretary to Government.

ANNEXURE Classroom Training

Sl. No.	Topic	Recommended Hours	
		100	40*
(1)	(2)	(3)	(4)
1	The Private Security Act, 2005	2	2
2	The Private Security Rules, 2008	2	2
3	Conduct in Public	2	
4	Concept of security— Physical security, security of the assets, security of the building or apartment, personnel security, household security etc.	4	4
5	Indian Penal Code—		
	(i) Introduction		
	(ii) General Exceptions (Section 76 - 95 IPC).		
	(iii) Right to private defense (Section 96 - 106 IPC).		
	(iv) Important property offences and their punishments (theft, burglary, robbery, dacoity).		
	(v) Important bodily offences and their punishments (hurt, grievous hurt, attempt to murder, murder, rape).		
	(vi) Offences against state		
		16	
6	Code of Criminal Procedure—		
	(i) Introduction		
	(ii) cognizable and non-cognizable offences.		
	(iii) Aid to Magistrate and Police (Section 37 - 40 Cr. PC).		
	(iv) Arrest especially arrest by private persons (Section 43 Cr. PC).		
	(v) Summons and Warrants		
	(vi) Procedure for Lodging FIR (Practical compulsory).		
		16	
7	Arms Act (Operative Sections)	2	
8	Explosives Act (Operative Sections)	2	
9	Badges of rank in Police and Military Forces.	4	
10	Examination of identification papers including identity cards, passports and smart cards (Practical compulsory).	4	4

* Applicable only for Ex-police and Ex-serviceman